

MEETINGS TO DATE 29  
NO. OF REGULARS 23  
NO. OF SPECIALS 6

LANCASTER, NEW YORK  
DECEMBER 2, 1974

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 2nd day of December, 1974 at 8:00 P.M. and there were

PRESENT: LEO N. WEIMER, SUPERVISOR  
JOSEPH R. BARNHARDT, COUNCILMAN  
EDWARD A. BERENT, COUNCILMAN  
PETER J. BOLENDER, COUNCILMAN

ABSENT: ARTEL J. METZ, COUNCILMAN

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
DOMINIC J. TERRANOVA, TOWN ATTORNEY  
TIMOTHY J. DWAN, DEPUTY TOWN ATTORNEY  
EDWARD J. FERON, JR., TOWN ENGINEER  
JOHN F. LUME, HIGHWAY SUPERINTENDENT  
VICTOR H. OTT, POLICE CHIEF

BID OPENING SCHEDULED FOR 8:10 P.M.:

At 8:10 P.M. the Town Board considered sealed proposals for furnishing to the Town of Lancaster No. 2 Fuel Oil for the year 1975.

ON MOTION BY COUNCILMAN BOLENDER, AND SECONDED BY COUNCILMAN BARNHARDT AND CARRIED, by unanimous roll call vote, the time for receiving the aforesaid proposals was closed at 8:10 P.M.

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

The following proposals were received:

<u>BIDDER</u>	<u>BID</u>
1. Kurk Fuel Oil Co. 1276 Harlem Road Cheektowaga, New York 14206	\$ .386 per gallon

ON MOTION BY COUNCILMAN BARNHARDT, AND SECONDED BY COUNCILMAN BERENT AND CARRIED, by unanimous roll call vote, the aforesaid proposal was ordered turned over to the Town Board Building Committee for examination, tabulation, and recommendation.

OFFICIAL REPORTS:

The Town Clerk reported that the following department of the Town of Lancaster has filed with him their Montly Report as follows:

<u>DEPARTMENT</u>	<u>MONTH OR MONTHS OF</u>
Building Inspector	November, 1974

COMMITTEE REPORTS:

None

PRESENTATION OF RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held on November 18, 1974, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon <sup>duly</sup> unanimously adopted.

December 2, 1974

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore  
duly held a public hearing pursuant to Notice duly given for a Special Use  
Permit for cemetery use of premises situate on the northwest corner of  
Broadway and Schwartz Road in the Town of Lancaster, and

WHEREAS, the Planning Board of the Town of Lancaster and the  
Planning Consultants have filed a report and recommendation with the Town Board  
and

WHEREAS, in accordance with Section 239-m of the General Municipal  
Law, the Erie County Department of Planning has reviewed such application  
for a Special Use Permit and has no objection thereto,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, pursuant to  
the authority set forth in Article XXVI of Chapter 50- Zoning - of the Code  
of the Town of Lancaster and pursuant to the Town Law of the State of New  
York, does hereby grant a Special Use Permit for cemetery use of the following  
described premises:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of  
Lancaster, County of Erie and State of New York, being known as  
part of Lot 1, Section 4, Township 11, Range 6 of the Holland  
Land Company's Survey, and more particularly described as follows:

BEGINNING at the point of intersection of the northerly  
line of Broadway and the westerly line of Schwartz Road; proceeding  
thence north along the westerly line of Schwartz Road 231.27 feet  
to a point; thence easterly and parallel to the north line of  
Broadway 15.0 feet to a point; thence northerly along the westerly  
line of Schwartz Road 2203.72 feet to a point; thence westerly  
and parallel to the north line of Broadway 674.33 feet to a point;  
thence southerly 2440.54 feet to a point; thence easterly along  
the north line of Broadway 583 feet to a point; thence north-  
easterly 61.5 feet to the point or place of beginning.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

December 2, 1974

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

RESOLVED, that the following transfer within the General Fund of  
the Town of Lancaster be effected:

	<u>Account</u>	<u>To</u> <u>Amount</u>	<u>Account</u>	<u>From</u> <u>Amount</u>
Elections Contractual				
Expense General	1450.47	\$1500.00		
Elections Personal				
Service			1450.10	\$1500.00

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

~~xxxy~~  
The resolution was thereupon unanimously adopted.

December 2, 1974

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Chairman of the Town of Lancaster Narcotics Guidance Council has requested authorization to attend an On-Going Task Force Meeting to be held in Albany, New York, on December 5, 1974, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest that such authorization be granted,

NOW, THEREFORE, BE IT

RESOLVED, that Fr. John R. Whiteford, Chairman of the Town of Lancaster Narcotics Guidance Council, be and hereby is authorized to attend the On-Going Task Force Meeting to be held in Albany, New York, December 5, 1974, with reimbursement for actual and necessary expenses not to exceed \$100.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

~~XXXX~~  
The resolution was thereupon unanimously adopted.

December 2, 1974

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, St. Adalbert's R.C. Church Society has proposed a one-time payment of \$2000.00 in recognition of services to be provided by the Town of Lancaster to its cemetery property situate at the northwest corner of Schwartz Road and Broadway in the Town of Lancaster, and

WHEREAS, the loss of tax revenue occasioned by such cemetery use will fall mainly on the General Fund of the Town of Lancaster and the Master Water Improvement Area, and

WHEREAS, a fair allocation of said \$2000.00 would be as follows:

\$ 800.00 to the Master Water Improvement Area  
1200.00 to the General Fund of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster make the necessary transfers to effectuate the allocation of the \$2000.00 one-time payment in recognition of services to be provided by the Town of Lancaster to premises of St. Adalbert's R.C. Church Society situate at the northwest corner of Schwartz Road and Broadway in the Town of Lancaster as follows:

\$ 800.00 to the Master Water Improvement Area  
1200.00 to the General Fund of the Town of Lancaster

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~  
The resolution was thereupon unanimously adopted.

December 2, 1974

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT, TO WIT:

WHEREAS, certain drainage work is required in accordance with a  
certain easement granted to the Town of Lancaster in connection with  
construction of the Lancaster Public Library, and

WHEREAS, the Town architect has recommended such changeorder as  
submitted by Rudy Slazyk Plumbing & Heating, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and  
directed to execute the following changeorder:

S-2	Relocate 70 ft. of 6" Storm Sewer in way of 12" sewer from Library to Creek	Add      \$ 672.00
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The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

~~dukyx~~  
The resolution was thereupon unanimously adopted.

December 2, 1974



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, an error was made in the budget transfer resolution adopted  
by the Town Board of the Town of Lancaster on July 15, 1974,

NOW, THEREFORE, BE IT

RESOLVED, that so much of said resolution of July 15, 1974 relating  
to budget transfers in the Special Districts Fund of the Town of Lancaster  
be and hereby is rescinded, and

BE IT FURTHER

RESOLVED, that the following budget transfers in the Special District  
Fund of the Town of Lancaster be substituted therefor:

	<u>Account</u>	<u>To</u>	<u>Amount</u>	<u>Account</u>	<u>From</u>	<u>Amount</u>
Water District No. 4 Fund Balance, Water District No. 4	SW 8310.47		\$ 150.00.			
				599.0	\$	150.00
Water District No. 4 Ext. 3, General Fund Balance, Water District No. 4, Ext. 3	SW 8310.47		2023.14			
				599.0		2023.14
Master Water Improvement Area, General Fund Balance, Master Water Improvement Area	8340.47		250.00			
				599.0		250.00

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~  
The resolution was thereupon unanimously adopted.

December 2, 1974

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has duly adopted the Ad Valorem Budget for the Town of Lancaster for the year 1975, and

WHEREAS, the Town Board has determined in said budget for Highway purposes that property within the Villages of Lancaster and Depew shall be exempted from the levying and collection of taxes levied in the Town of Lancaster for all of Item 3 of said Highway budget and that real property within the Villages of Lancaster and Depew shall be exempted from the levying and collection of taxes levied in the Town of Lancaster to the extent of 50% of said Villages' share of Item 4 of the Highway budget as hereinafter specified, and

WHEREAS, the Town Board of the Town of Lancaster has determined to continue its agreement as heretofore applied, pursuant to Section 150 of the Town Law, to exempt real property within the Villages of Lancaster and Depew to the extent of 50% of the share of said real property in said Villages of the Town Police budget as hereinafter more fully set forth, and

WHEREAS, the foregoing exemptions of portions of the 1975 budget by the Town Board of the Town of Lancaster represent an increase in said exemptions to Village taxpayers of items of the Town budget by total exemption of Item 3 of the Highway budget,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

Section 1: That the Town Board of the Town of Lancaster does hereby exempt from the levy and collection of taxes levied in the Town of Lancaster for Item 3 of the Town of Lancaster Highway Budget for the year 1975, all real property within the Villages of Lancaster and Depew.

Section 2: That the Town Board of the Town of Lancaster does hereby exempt 50% of that portion of Item 4 of the Highway Budget of the Town of Lancaster for the year 1975 as would be levied against real property

within the Villages of Lancaster and Depew. Said exemption shall be determined as follows:

50% of the total amount to be raised by the Town of Lancaster by taxation after budget appropriations in Item 4 times a percentile to be determined by computing the total taxable assessed valuation of each individual Village over the total taxable assessed valuation on the Town of Lancaster tax roll.

Section 3: That the Town Board of the Town of Lancaster hereby exempts 50% of the Town Police Budget for the year 1975 as reflected in Account No. A 3120 minus the amount reflected in Account A 2610, Revenues - Fine and Forfeitures - as would be levied against real property within the Villages of Lancaster and Depew. Said exemption shall be determined as follows:

50% of the total amount to be raised by the Town of Lancaster for the Town Police Budget by taxation after deducting the amount reflected in Account A 2610 from the Account A 3120 times a percentile to be determined by computing the total taxable assessed valuation of each individual Village over the total taxable assessed valuation on the Town of Lancaster tax roll.

and

BE IT FURTHER

RESOLVED, that the Town Clerk forward a certified copy of this resolution to the Village Clerk of the Village of Lancaster and to the Village Clerk of the Village of Depew.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

dkxky

The resolution was thereupon unanimously adopted.

December 2, 1974

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMAN BOLENDER, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 1341 to 1389 Incl.	\$ 223,999.03
Special District Funds	No. 93 to 95 Incl.	\$ 3,588.62
Part Town Funds	No. 102 to 105 Incl.	\$ 661.92
Highway Funds	No. 278 to 289 Incl.	\$ 11,559.94
Trust & Agency Funds	No. 43 to 46 Incl.	\$ 5,170.00
Federal Revenue Sharing	No. 8 to 8 Incl.	\$ 5,849.00
Capital Fund	No. 42 to 42 Incl.	\$ 5,849.00

The question of the adoption of the foregoing resolution was duly put  
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES  
COUNCILMAN BERENT VOTED YES  
COUNCILMAN BOLENDER VOTED YES  
COUNCILMAN METZ VOTED WAS ABSENT  
SUPERVISOR WEIMER VOTED YES

~~xxx~~  
The resolution was thereupon unanimously adopted.

December 2, 1974

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMAN BARNHARDT, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCILMAN  
BERENT, TO WIT:

RESOLVED, that the following Building Permit Applications be and are  
hereby approved and the issuance of Building Permits be and are hereby  
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
135	Coral Pools	6711 Transit Road	EX. FR. PVT. GAR.
136	Teresa Giarratono	3556 Walden Avenue	DEM. FR. PVT. GAR.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

~~duxy~~

The resolution was thereupon unanimously adopted.

December 2, 1974

STATUS REPORTS ON UNFINISHED BUSINESS:1. Signalization - Walden and Ransom

Councilman Berent reported on December 2, 1974 that parts and materials necessary for the installation of this signal are on order and that further progress awaits receipt of the necessary materials.

2. Special Cemetery Use Permit - St. Adalbert's R. C. Church

On December 2, 1974 the Town Board adopted a resolution granting this Special Use Permit.

The Town Clerk was directed to remove this item from the future agendas of the Town Board.

PERSONS ADDRESSING THE TOWN BOARD:

Mr. Donald Diebel, 2 Elm Place, Lancaster, New York, asked the Town Board if the Town has been receiving monthly revenue checks from the Lancaster Sanitary Land Fill as originally anticipated.

The Town Clerk informed Mr. Diebel that a Monthly Report and monthly checks ranging from \$1,600.00 to \$1,800.00 per month have been received, and that revenue is anticipated to exceed the original \$19,000.00 annual projection.

Mr. Boyd Davis, 63 Briarwood, Lancaster, New York, spoke with the Town Board and Town Attorney relative to the extent of legal fees to be paid to the attorneys providing services to County Sewer District No. 4.

Rev. Robert Erickson, 40 Albert Drive, Lancaster, New York, on behalf of a number of concerned citizens, presented to the Town Board their request that the Town Board take some action to guarantee that elderly or disadvantage individuals will not have their gas or electric utility services terminated for non-payment of bills during the months of January through April, 1975, and also petitioned the Board to go on record as opposing any rate increases for gas or electric utilities.

The following individuals spoke in support of the petition and request as submitted by Rev. Robert Erickson:

Robert English	52 Harvey Drive, Lancaster, New York
Mary Rose English	52 Harvey Drive, Lancaster, New York
James Weiss	43 Harvey Drive, Lancaster, New York
Donald Hydock	49 Taft Avenue, Lancaster, New York
Karen Shafer	31 Brandel Avenue, Lancaster, New York

The Supervisor informed those present that the Board would take the matter under advisement and discuss it further at their next meeting of 12/16/74

COMMUNICATIONS:DISPOSITION

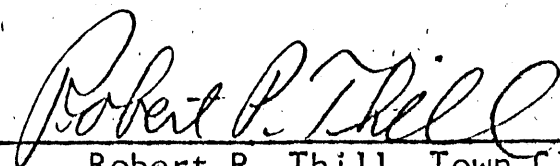
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|---|--|
| 333. Town Clerk to Town Board -<br>Resume of actions taken in response to<br>directives and resolutions of Monday,<br>November 18, 1974.  | R & F  |
| 334. County Office of Public Health Education and<br>Information to Town Clerk -<br>Notification - Public Hearing scheduled<br>for December 11, 1974 - Add new article<br>to Erie County Sanitary Code relating<br>to smoking in public places. | Env. Cons. Comm. Sec'y.<br>Planning Brd. Chairman          |
| 335. Lancaster Sanitary Land Fill to Town<br>Clerk -<br>Transmittal - Quarterly Report Map as<br>per resolution of July 1, 1974.  | Planning Brd. Chairman<br>Env. Cons. Comm. Sec'y.<br>R & F |
| 336. Four (4) Fire Companies to Councilman<br>Berent -<br>Re: New 5 year contract with four (4)<br>fire companies.  | Fire Committee   |
| 337. Town Attorney to Town Board -<br>Re: \$2,000.00 payment by St. Adalbert's<br>R. C. Church towards Master Water<br>Improvement Area Fund.   | R & F  |
| 338. Civil Air Patrol to Supervisor -<br>Notification - Organization for youth<br>between 13 - 17 to meet every Thursday<br>evening at Washington Post on Legion Pkwy.  | R & F  |
| 339. County Personnel Dept. to Commissioner of<br>Personnel -<br>Re: Employment of Non-Citizens.  | Supervisor   |
| 340. Secretary, Lancaster Recreation Commission to<br>Town Board -<br>Re: Reconditioning of tennis courts;<br>Lancaster Town Park.  | Town Attorney<br>Recreation Committee                      |
| 341. Erie County Water Authority to Town Clerk -<br>Transmittal - Copy of resolution of Water<br>Authority amending rules governing rates<br>of water consumption effective January 1,<br>1975.   | Town Engineers<br>Town Attorney<br>R & F                   |

ADJOURNMENT:

ON MOTION OF COUNCILMAN BARNHARDT, AND SECONDED BY THE ENTIRE TOWN  
BOARD AND CARRIED, the meeting was adjourned at 8:55 P.M. out of respect to:

MATHILDA M. UEBELHOER  
AGNES L. WEINSTEIN

Signed



Robert P. Thill, Town Clerk